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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,901	10/14/2003	David M. Spencer	MCG00334	6261
23330	7590	12/11/2007		
MOTOROLA, INC. LAW DEPARTMENT 1303 E. ALGONQUIN ROAD SCHAUMBURG, IL 60196			EXAMINER MURPHY, RHONDA L	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			12/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/685,901

Applicant(s)

SPENCER, DAVID M.

Examiner

Rhonda Murphy

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This communication is responsive to the amendment filed on 10/3/07.

Accordingly, claims 1-27 are currently pending in this application.

### ***Response to Arguments***

1. Applicant's arguments filed 10/3/07 have been fully considered but they are not persuasive. Applicant argues Kimbrough does not disclose a switch node converting a DS3 signal to a packet-based signal for distribution to payload nodes via a packet switched backplane. However, Examiner respectfully disagrees. The claim limitation recites: a packet switched backplane (Fig. 2; backplane 56) coupling the switch node and the plurality of payload nodes (col. 7, lines 27-31), wherein data from the DS1 signal, as the packet-based signal, is distributed to one or more of the plurality of payload nodes via the packet switched backplane (col. 11, lines 59-62). Kimbrough fails to explicitly disclose a DS3 signal in the above passages. However, Kimbrough does disclose a DS1 signal and further describes use of other electrical signals such as a DS3 signal (col. 6, lines 22-24). Thus, it would have been obvious to one skilled in the art to utilize a DS3 signal versus a DS1 signal, in order to transmit and receive data at a higher signal rate.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimbrough (US 6,781,981).

**Regarding claims 1 and 10**, Kimbrough teaches a multi-service platform system, comprising: a switch node (Fig. 3; digital data uplink card 91) coupled to receive a DS1 signal (col. 11, lines 53-55), wherein the DS1 signal is translated to a packet-based signal at the switch node (col.11, lines 59-62); a plurality of payload nodes (voice/DSL line cards 52; col. 7, lines 9-13); and a packet switched backplane (Fig. 2; backplane 56) coupling the switch node and the plurality of payload nodes (col. 7, lines 27-31), wherein data from the DS1 signal, as the packet-based signal, is distributed to one or more of the plurality of payload nodes via the packet switched backplane (col. 11, lines 59-62).

Kimbrough fails to explicitly disclose a DS3 signal. However, Kimbrough does disclose a DS1 signal and further describes use of other electrical signals such as a DS3 signal (col. 6, lines 22-24).

Therefore, it would have been obvious to one skilled in the art to utilize a DS3 signal versus a DS1 signal, in order to transmit and receive data at a higher signal rate.

**Regarding claims 2 and 11**, Kimbrough teaches the multi-service platform system of claims 1 and 10, wherein the packet-based signal can be one of an InfiniBand, Serial RapidIO and Ethernet packet based signal (col. 7, lines 27-28).

**Regarding claims 3 and 12**, Kimbrough teaches the multi-service platform system of claims 1 and 10, wherein the packet switched backplane comprises a plurality of packet-based links (see Fig. 2; backplane 56), wherein the switch node receives a plurality of DS1 signals (Fig. 3; via link 32), and wherein data from two of the plurality of DS1 signals, as the packet-based signal, are distributed over one of the plurality of packet-based links from the switch node to one of the plurality of payload nodes (Fig. 3; over digital packet data bus 68, from digital data uplink card 91 to voice/DSL line card 52; col. 11, lines 53-62).

Kimbrough fails to explicitly disclose a DS3 signal. However, Kimbrough does disclose a DS1 signal and further describes use of other electrical signals such as a DS3 signal (col. 6, lines 22-24).

Therefore, it would have been obvious to one skilled in the art to utilize a DS3 signal versus a DS1 signal, in order to transmit and receive data at a higher signal rate.

**Regarding claims 4 and 13**, Kimbrough teaches the multi-service platform system of claims 1 and 10, wherein the packet switched backplane is an embedded packet switched backplane (Fig. 2; backplane 56; col. 8, lines 13-18).

**Regarding claims 5 and 14**, Kimbrough teaches the multi-service platform system of claims 1 and 10, comprising a packet switched backplane, but fails to explicitly disclose the packet switched backplane as an overlay packet switched backplane.

However, Examiner takes official notice that it is well known in the art for systems to include a backplane as an overlay packet switched backplane, for providing an additional backplane that forms connections with various modules for supporting traffic.

**Regarding claims 6 and 15**, Kimbrough teaches the multi-service platform system of claims 1 and 10, wherein the DS3 signal is processed at one or more of the plurality of payload nodes (col. 11, lines 59-67; col. 12, lines 1-15).

**Regarding claims 7 and 16**, Kimbrough teaches the multi-service platform system of claims 1 and 10, comprising a packet switched backplane, but fails to explicitly disclose the packet switched backplane as a CompactPCI Serial Mesh backplane.

However, Examiner takes official notice that it is well known in the art for systems to include a CompactPCI Serial Mesh backplane, for the purpose of using a backplane that conforms to the standards of PCI-based industrial systems.

**Regarding claims 8 and 17**, Kimbrough teaches the multi-service platform system of claims 1 and 10, comprising a packet switched backplane, but fails to explicitly disclose the packet switched backplane as a VMEbus switched serial standard backplane.

However, Examiner takes official notice that it is well known in the art for systems to include a VMEbus switched serial standard backplane, for the purpose of using a backplane that conforms to the VMEbus computer bus standard.

**Regarding claims 9 and 18**, Kimbrough teaches the multi-service platform system of claims 1 and 10, wherein distribution of the DS3 signal to one or more of the plurality of payload nodes is dynamically remapped (col. 13, lines 66-67; col. 14, lines 1-16).

**Regarding claim 19**, Kimbrough teaches the same limitations described above in the rejection of claim 10. Kimbrough further teaches a computer-readable medium containing computer instructions for instructing a processor to perform the method of claim 10 (col. 10, lines 12-16).

**Regarding claims 20 – 27**, Kimbrough teaches the same limitations described above in the rejection of claims 11 – 18, respectively.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 9:00 - 5:30pm.

Application/Control Number:  
10/685,901  
Art Unit: 2616

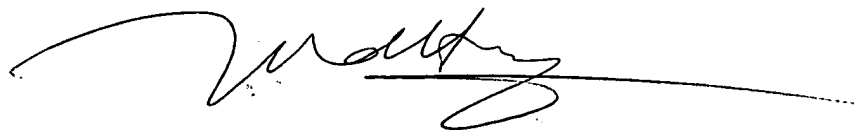
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rhonda Murphy  
Examiner  
Art Unit 2616

RM

A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a long horizontal line extending to the right.

HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600